

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.62913 of 2021**

Arising Out of PS. Case No.-403 Year-2019 Thana- HILSA District- Nalanda

Vijay Shankar Singh, Son of Late Laxmi Garai Resident of Village - Belwa
Par, P.S.- Hilsa, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-02-2022 Learned counsel for the petitioner undertakes to
remove the defects within four weeks after start of normal
functioning of the court.

Heard learned counsel for the petitioner and Mr.
Parmeshwar Mehta, learned APP for the State.

This is the second attempt of the petitioner to obtain bail
in connection with Hilsa P.S. Case No. 403 of 2019 registered for
the offences punishable under Section 419/420/120B/34 of the
Indian Penal Code.

Earlier his prayer for bail was rejected vide order dated
20.03.2020 passed in Cr. Misc. No. 2377 of 2020 considering that
he happened to be the Chairman of the PACS and signatory on
cheque. He had given undertaking before the learned coordinate
Bench of this Court in Cr. Misc. No. 15652 of 2019 that he would
deposit the alleged amount under protest which he failed to do.



Prayer for bail of the petitioner was, thus, rejected.

Learned counsel for the petitioner submits that in fact in respect of the same matter two F.I.Rs. (Annexure '2' and Annexure '3' respectively) were lodged. Annexure '2' in respect of which the petitioner is seeking bail in this case was lodged by the In-charge Branch Manager of Nalanda Central Cooperative Bank, whereas Annexure '3' is the F.I.R. lodged by the Block Cooperative Extension Officer, Hilsa. In respect of Annexure '3', the petitioner had moved this Court for regular bail in Cr. Misc. No. 6502 of 2020. A learned coordinate Bench of this Court vide its order dated 07.09.2021 passed in the said case granted him privilege of regular bail on the conditions *inter alia* that in compliance of his commitment/undertaking he will deposit Rs. 7,65,000/- out of the alleged outstanding amount of Rs. 19,65,000/- and thereafter would obtain his release by submitting bail bonds. The order further observed that the balance amount would be paid by him in equal monthly installments of Rs. 1,00,000/-.

Learned counsel submits that noticing the aforesaid order of the learned coordinate Bench, this Court adjourned the matter on 24.11.2021 and 12.01.2022 to demonstrate that the petitioner has complied with the said order.

To show the compliance a supplementary affidavit has been placed on the record and statements have been made therein



saying that the petitioner had deposited Rs. 7,65,000/- in different dates in the relevant account of the Nalanda Central Cooperative Bank Limited, Branch Hilsa, District Nalanda and is ready to deposit rest of the amounts being Rs. 12,00,000/- in equal monthly installment of Rs. 1,00,000/-. Some receipts showing deposit have also been placed on the record.

Mr. Parmeshwar Mehta, learned A.P.P. for the State does not dispute that Annexure '2' and '3' are the two F.I.Rs. in respect of the same matter.

Considering the aforesaid aspect of the matter that the petitioner has deposited Rs. 7,65,000/- and is ready to deposit another Rs. 12,00,000/- in equal monthly installments of Rs. 1,00,000/- each after his release on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Hilsa P.S. Case No. 403 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that in terms of his undertaking given in the supplementary affidavit the petitioner shall deposit the rest of Rs. 12,00,000/- without prejudice to his case with the Nalanda Central Cooperative Bank Limited, Hilsa, Nalanda in



twelve equal monthly installments beginning one month after his release on bail. Failure to comply with this undertaking shall result in action towards cancellation of bail bond of the petitioner by the learned court below.

Learned counsel for the petitioner undertakes to ensure that the updated information with regard to deposit of the amount with the Bank must be placed on the record of learned court below every month.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

